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 21 Her Guardian Ad Litem John Less Hughes;  
 22 Jennifer Hardy

23  
**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

24 ISABELLA ANTONIA HUGHES JAMES, by  
 25 and through her Guardian Ad Litem John Less  
 26 Hughes;  
 27 Jennifer Hardy,

28 Plaintiffs,  
 vs.  
 FORD MOTOR COMPANY, and DOES  
 1 through 100, inclusive,

Defendants.

Case No. C 08-02726 CW

**JOINT RULE 26(F) REPORT,  
CASE MANAGEMENT STATEMENT,  
AND [PROPOSED] CASE MANAGEMENT  
ORDER**

Date: September 16, 2008  
Time: 2:00 p.m.  
Place: Courtroom 2  
Judge: Honorable Claudia Wilken

Counsel for Plaintiffs Isabella Antonia Hughes James, by and through her Guardian Ad Litem John Less Hughes, and Jennifer Hardy; and Defendant Ford Motor Company ("Ford") have conferred pursuant to Fed. R. Civ. Proc. 26(f)(1)-(4) to consider the nature and basis of their claims, possibilities for resolution of the case, and to develop a proposed discovery plan and arrange for

1 initial disclosures. Pursuant to Civil L.R. 16-9, the parties jointly submit this Case Management  
2 Statement and Proposed Order and request the Court to adopt it as its Case Management Order in  
3 this case.

4 **1. JURISDICTION AND SERVICE**

5 Plaintiffs originally filed this action in Alameda County Superior Court on March 26, 2008.  
6 On May 30, 2008, Defendant timely removed the action to this Court on the basis of diversity of  
7 citizenship.

8 **2. FACTS**

9 On February 7, 2006, Joseph James was driving his 1994 Ford Explorer on Westbound 580  
10 as it transitions into Eastbound 80. The Explorer veered into the wood and metal guard rail on the  
11 left side of the freeway and caught fire. Mr. James sustained fatal injuries in the accident.  
12

13 **3. LEGAL ISSUES**

14       **A. Plaintiff's Legal Contentions**

15 Plaintiffs allege the Explorer caught fire because its fuel system was defective.

16       **B. Defendant's Legal Contentions**

17 Defendant denies Plaintiffs' allegations and claims the accident was caused by Mr. James.

18 **4. MOTIONS**

19 None anticipated at this time.

20 **5. AMENDMENT OF PLEADINGS**

21 The parties propose September 30, 2008 as the deadline to amend pleadings.

22 **6. EVIDENCE PRESERVATION**

23 The vehicle involved in this case is a critical physical evidence needed to determine whether  
24 Defendant is liable to Plaintiffs. The vehicle will need to be inspected numerous times by experts on  
25 both sides to prepare for trial. Plaintiffs will continue to preserve the vehicle, and defendant will  
26 have access to the vehicles through plaintiffs' counsel on reasonable notice.

**7. DISCLOSURES**

The parties will exchange Rule 26 initial disclosures as set out below.

**8. DISCOVERY**

The parties propose the following schedule based on a February 1, 2010 trial date:

**A. Initial Disclosures Pursuant to Fed. R. Civ. P. 26(a)(1):** Plaintiffs and Defendant will serve their Initial Disclosures on October 6, 2008.

**B. Non-Expert Discovery Cut-Off:** October 1, 2009.

**C. Experts Disclosures**

1. **Plaintiff's Disclosure of Expert Witnesses and Reports:** October 8, 2009.

2. **Defendant's Disclosure of Expert Witnesses and Reports:** October 22, 2009.

3. **Rebuttal reports:** November 5, 2009.

**D. Expert Witness Discovery Cut-Off:** December 14, 2009.

**E. Plaintiffs' experts will be deposed before Defendant's experts, per area of expertise.**

**F. Proposed Changes in Limits On Discovery:**

1. Fed. R. Civ. P. 26(b): None.

2. Fed. R. Civ. P. 30(a)(2)(A): Given the nature of the present case and the number of parties, the parties waive the 10 deposition limit set forth in Fed. R. Civ. P. 30(a)(2)(A) and request 25 depositions per party, not including expert depositions.

3. Fed. R. Civ. P. 30(a)(2)(B): None.

4. Fed. R. Civ. P. 30(a)(2)(C): None.

5. Fed. R. Civ. P. 30(d)(2): None anticipated.

6. Fed. R. Civ. P. 33(a): The parties are allowed to propound 50 interrogatories without leave of court.

1           **G. Discovery Relating to Electronic, Digital, and/or Magnetic Date:** The parties  
 2 discussed the exchange of electronically stored information during their Rule 26 conference as  
 3 contemplated by the Federal Rules of Civil Procedure. The parties did not perceive any issues  
 4 related to ESI at this time. However, should electronic discovery issues arise, the parties agreed to  
 5 meet and confer in a good faith effort to attempt to resolve any such issues prior to moving the court  
 6 for relief.

7           **9. CLASS ACTIONS**

8           Not applicable.

9           **10. RELATED CASES**

10          There are no known cases that should be consolidated with this case.

11          **11. RELIEF**

12          Plaintiffs seek wrongful death damages. Defendant seeks dismissal of this suit, costs and  
 13 fees incurred as a consequence of this action.

14          **12. SETTLEMENT AND ADR**

15          Plaintiffs and Defendant have agreed to engage in private mediation.

16          **13. CONSENT TO MAGISTRATE JUDGE FOR ALL PURPOSES**

17          Defendant does not consent to the assignment of this matter to a magistrate judge for trial.

18          **14. OTHER REFERENCES**

19          Not applicable.

20          **15. NARROWING OF ISSUES**

21          The parties agree it is premature at this time to narrow the issues because discovery has not  
 22 yet begun.

23          **16. EXPEDITED SCHEDULE**

24          The parties do not anticipate the need for an expedited schedule at this time.

25          **17. SCHEDULING**

26           **A. Non-Dispositive and Dispositive Pretrial Motions:** January 8, 2010.

27           **B. Final Pretrial Conference:** January 18, 2010.

1 **18. TRIAL**

2 The parties request a trial date of February 1, 2010.

3 **19. DISCLOSURE OF NON-PARTY INTERESTED ENTITIES OR PERSONS**

4 The parties are not aware of any other parties that have a direct, pecuniary interest in the  
5 outcome of this case.

7 Dated: September 3, 2008

Respectfully submitted,

8 SHOOK, HARDY & BACON L.L.P.

9 By: /s/ Randall D. Haimovici  
10 FRANK P. KELLY  
RANDALL HAIMOVICI

11 Attorneys for Defendant  
12 FORD MOTOR COMPANY

13 Dated: September 3, 2008

Respectfully submitted,

14 SNYDER DORENFELD, LLP

15 By: /s/ David K.Dorenfeld  
16 DAVID K. DORENFELD  
BRADLEY A. SNYDER

17 Attorneys for Plaintiffs  
18 ISABELLA ANTONIA HUGHES  
19 JAMES, by and through her Guardian  
Ad Litem JOHN LES HUGHES;  
JENNIFER HARDY.

22 **CASE MANAGEMENT ORDER**

23 The Case Management Statement and Proposed Order is hereby adopted by the Court as the  
24 Case Management Order for the case and the parties are ordered to comply with this Order.

26 Dated: \_\_\_\_\_

27 UNITED STATES DISTRICT JUDGE